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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/902,055

07/10/2001

Klaus Keite-Felgenbuscher

Beiersdorf 730-WCG

9275

7590

10/28/2003

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EXAMINER

BAREFORD, KATHERINE A

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action**Application No.**

09/902,055

Applicant(s)

KEITE-TELGENBUSCHER ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached pages.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

Continuation of Box 5 of PTOL-303 (Advisory Action form):

The request for reconsideration has been considered but does not place the application in condition for allowance because:

A) applicant has argued that the rejection of the claims 1 and 3-19 using Ludwig in view of Moriarity should be withdrawn for various reasons, listed as 1-4 and discussed at pages 4-6 of the after final amendment in the Remarks section. The Examiner has reviewed these arguments, however, the Final Rejection is maintained. As to argument (1) it is the Examiner's position that Moriarity clearly provides the bending of the die body transversely to the direction of travel as claimed. As shown in figures 2-3 and column 6, lines 25-60, the die body is flexed (i.e. bent) transversely in the direction of travel of the roll in zones across the elongated portion of the die, which bending is induced by temperature differences within the die body that come from heaters embedded in the body. As to argument (2), that if Ludwig's die were bent in any way, the planar surface would not be uniform, and as such, not produce the desired uniform coating, the Examiner disagrees. The flexing of Moriarity is to correct for non-uniform coating and provide a more uniform coating extruding from the slit. Since Ludwig also wants a uniform coating, it would be desired to have a uniform coating exiting from the slit of Ludwig. As to the "planar surface" of Ludwig, the Examiner notes that at best, at column 3, lines 25-40, Ludwig describes the formation of a more plane, but still deformed surface. Therefore, the extruding of a more uniform coating out of the slit of Ludwig would still be desirable, even if the die surface was slightly less planar. As to argument (3), as to the "no factual basis for the "would have been

obvious" assertions" by the Examiner, the Examiner has reviewed these arguments. However, she notes that in her motivational statements (see page 4-5 of the Final Rejection), the Examiner has provided the reasoning and factual basis for each of her motivational statements. The arguments by applicant amount to a general allegation that the Examiner's rejection is improper, without specifically pointing out the improper rationales. See 37 CFR 1.111(b). For example, applicant argues that the modification amount to "obvious to try" without pointing out any specific aspect of the rejection that leads to this position. Since no specific improper rationales are indicated by applicant, the rejection is maintained. As to argument (4), since the Examiner is maintaining the rejection as to arguments (1)-(3) above, the rejection is similarly maintained as to argument (4), since that argument only refers to the problems developed in arguments (1)-(3).

B) applicant has argued that the rejection of the claims 1, 3-7 and 9-19 using EP 622 127 in view of Moriarity should be withdrawn for the same reasons, listed as 1-4 and discussed with regard to the rejection of Ludwig in view of Moriarity above. See page 6 of the after final amendment in the Remarks section. The Examiner has reviewed these arguments, however, the Final Rejection is maintained. As to argument (1) it is the Examiner's position that Moriarity clearly provides the bending of the die body transversely to the direction of travel as claimed. As shown in figures 2-3 and column 6, lines 25-60, the die body is flexed (i.e. bent) transversely in the direction of travel of the roll in zones across the elongated portion of the die, which bending is induced by temperature differences within the die body that come from heaters embedded in the body. As to argument (2), that the teachings would change the operation of the prior art, the

rejection is maintained. Moriarity teaches flexing the die to obtain a more uniform extrusion. '127 specifically wants a uniform extrusion and states that the feature of the die, including "the die opening dimensions", etc. can be adjusted by increasing or decreasing to provide a smooth, even extrusion of the coating materials (see column 5, lines 30-50). Thus, it would in no way change the principles of operation of '127. As to argument (3), as to the "no factual basis for the "would have been obvious" assertions" by the Examiner, the Examiner has reviewed these arguments. However, she notes that in her motivational statements (see page 7 of the Final Rejection), the Examiner has provided the reasoning and factual basis for each of her motivational statements. The arguments by applicant amount to a general allegation that the Examiner's rejection is improper, without specifically pointing out the improper rationales. See 37 CFR 1.111(b). For example, applicant argues that the modification amount to "obvious to try" without pointing out any specific aspect of the rejection that leads to this position. Since no specific improper rationales are indicated by applicant, the rejection is maintained. As to argument (4), since the Examiner is maintaining the rejection as to arguments (1)-(3) above, the rejection is similarly maintained as to argument (4), since that argument only refers to the problems developed in arguments (1)-(3).

Continuation of Box 7 of PTO/L-303 (Advisory Action form):

For purposes of Appeal, the proposed amendments will be entered.

Claims 1 and 3-19 remain rejected.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (703) 308-0078. The examiner can normally be reached on M-F(7:00-4:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


KATHERINE A. BAREFORD
PRIMARY EXAMINER
GROUP 11001700